APPENDIX B

FILED
MAY 12 2004

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGORY DEAN CALIENDO, Petitioner-Appellant, v. WARDEN OF CALIFORNIA MEN'S COLONY, Respondent-Appellee.	No. 01-56946 D.C. No. CV-99-07263-R Central District of California, Los Angeles ORDER

Before: HALL, O'SCANNLAIN, and McKEOWN, Circuit Judges.

The panel has voted to deny appellant's petition for panel rehearing. Judges O'Scannlain and McKeown have voted to deny the petition for rehearing en banc and Judge Hall has recommended denial. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are DENIED.